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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ROBERT J. LUMPKIN,

10 Plaintiff,

11 v.

12 SERGEANT ARMSTRONG.

13 Defendant.

14 Case No. C09-1014-RAJ

15 **ORDER GRANTING DEFENDANT'S**
16 **MOTION FOR SUMMARY**
17 **JUDGMENT**

18 The Court, having reviewed plaintiff's amended complaint; defendant Armstrong's
19 motion for summary judgment; the Report and Recommendation of the Honorable Brian A.
20 Tsuchida, United States Magistrate Judge; the Plaintiff's objections to the Report and
21 Recommendation; and the remaining record, does hereby find and Order:
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23 (1) The Court adopts the Report and Recommendation.

24 (2) Defendant Armstrong's motion for summary judgment (Dkt. No. 40) is

25 **GRANTED.**

26 (3) Plaintiff's amended complaint (Dkt. No. 10) and this action are **DISMISSED**
27 with prejudice as to defendant Armstrong.

28 **ORDER GRANTING DEFENDANTS'**
29 **MOTION FOR PARTIAL SUMMARY**
30 **JUDGMENT - 1**

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2 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
3 defendant, and to Judge Tsuchida.

4 DATED this 28th day of December, 2010.
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9 The Honorable Richard A. Jones
10 United States District Judge
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26 ORDER GRANTING DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT - 2